

REMARKS

The above-noted amendments to claims 31, 33, 35, 36, 41, 53, 68 and 69 are respectfully submitted prior to initiation of the continued prosecution of this application.

The above-noted amended claims 31, 35, 41, 53, 68 and 69 are respectfully submitted in order to more clearly and appropriately claim the subject matter which applicant considers to be patentable. The amendments to claims 33 and 36 correct typographical errors uncovered. This preliminary amendment also responds to the final Official Action of July 31, 2006. No new matter is included in these amendments.

The independent claims of this application can be placed into three groups, namely, Group A (claims 31, 41, 68 and 69), Group B (claims 35 and 53) and Group C (claims 52, 58, 63 and 72). Group A relates to the display of the digital broadcasting signal depending on whether or not the control panel is being displayed. Group B relates to not being able to change the station when recording digitally. Group C relates to an error message being displayed when the digital signal being reproduced by the reproducing apparatus cannot be decoded by the decoder.

With respect to the Group A claims, on page 2 of the Official Action, the Examiner states that the OSD circuit in Ohara prevents the display of information on an area of the screen and replaces it with the control panel information. While this is the case, Ohara does not disclose or suggest showing both the picture and control panel together while the external recording apparatus is in the digital recording mode. To this end, the claims of Group A have been amended and provide that the external recording apparatus has two different modes (analog and digital recording); that when in the digital recording mode, the digital broadcasting signal is displayed whether or not the control panel is being shown; and when in the

analog recording state, the digital broadcasting signal is shown unless the control panel is displayed. Thus, the picture and the control panel will be superimposed or shown together when the external recording apparatus is in the digital recording mode.

With respect to the claims of Group B, the Examiner addresses claims 35 and 53 at page 28-34 of the Official Action and adds a further reference, Ellis, to the other three references applied in the prior Official Action. At page 30, the Examiner contends that it would have been obvious to modify Brown with displaying information of the mode of the recorded program so as to provide the user with information regarding the recording. Independent claims 35 and 53, however, do not merely provide the user with information "regarding the recording" but rather display an alarm message showing that the recording mode of the program recorded on the recording medium is either an analog recording or a digital recording. The Examiner thus now relies upon Ellis for teaching the display of an alarm or message if the user selects an input/output that is inconsistent with the mode of the recorder/reproducer. (See page 31 of the Office Action.) Although the storage device of Ellis may be any suitable type of analog or digital storage device [¶ 0010], the error message of Fig. 16 [¶ 0145] only relates to the inability to record such as when the program is copy protected.

There is no disclosure or teaching in Ellis to prevent playback from a program recorded in the storage device based on the recording mode of the program already recorded in the recording medium. Thus, claims 35 and 53 have been amended to indicate that the alarm message is displayed during attempted playback of a program already recorded in an analog mode when the receiving apparatus is a digital reproduction mode.

Ellis, by contrast, is not concerned with playback errors and discloses providing an error message if a program cannot be

recorded in the first instance. As Ellis is not concerned with playback errors, it is clearly not concerned with playback errors that arise from the unique situation of the present invention; namely, having either a digital or an analog recording already on a recording medium that can be played back in the same external reproducing device.

Moreover, claims 36 and 37, for example, provide specific alarm messages which are not disclosed in the cited references or Ellis. In dependent claim 36, the alarm message indicates that a new station cannot be selected by the user during digital recording. Further, dependent claim 37 indicates that a new station cannot be selected in analog recording mode in display of the control panel. On page 31 in the Official Action, however, the Examiner has rejected claims 36 and 37 based on the old, cancelled language of those claims which originally had limitations related to channel number, program name, genre, etc. (see old claim 36) and information including recording position (see old claim 37). These claims were previously amended so the Examiner's rejection is inapplicable.

Finally, as to the Group C claims (52, 58, 63 and 72), on page 3 of the Official Action, the Examiner notes that with respect to Ellis, if the program cannot be recorded, the user is provided a message indicating the fact that the program is not recordable. This fact, however, does not meet the claim limitations of these claims and Ellis is directed to a different problem of recording. The claims of Group C specify that there is a program already recorded on the recording medium but that it cannot be decoded in the decoder.

In view of the above, it is respectfully requested that these amendments and remarks place the application in condition for immediate allowance. If, however, for any reason the Examiner does not believe such action can be taken, it is respectfully requested that he telephone applicants' attorney at

Application No.: 09/600,003

Docket No.: SONYSU 3.3-086

(908) 654-5000 in order to overcome any objections which he may have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge applicants' Deposit Account No. 12-1095 therefor.

Dated: March 13, 2007

Respectfully submitted,

By

  
Jonathan A. David

Registration No.: 36,494  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicants

743677\_1.DOC